

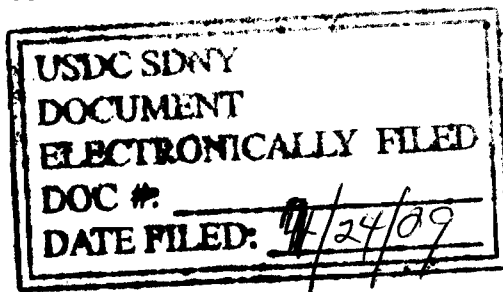
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation**

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

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This Document Relates To:

City of New York, et al. v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417



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**~~[PROPOSED]~~ ORDER DISMISSING SETTLING DEFENDANTS
UNDER RULE 41(a)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

SHIRA A. SCHEINDLIN, U.S.D.J.:

Plaintiffs, City of New York, New York City Municipal Water Finance Authority, and New York City Water Board, having advised this Court that they have entered into a Settlement Agreement and Release with the following Defendants: BP America Inc.; BP Amoco Chemical Company; BP Products North America Inc; Atlantic Richfield Company; Chevron Corporation (f/k/a ChevronTexaco Corporation); Chevron U.S.A. Inc. (f/k/a Gulf Oil Corporation); Texaco Inc; TRMI-H LLC (f/k/a TRMI Holdings Inc.); Unocal Corporation (in its individual capacity and as alleged successor to Union Oil Company of California); ConocoPhillips Company (in its individual capacity and as successor to Tosco Corporation and Tosco Refining Company, Inc., and incorrectly sued as Tosco Refining Co. Inc.); Motiva Enterprises LLC; Shell Oil Company; Shell Oil Products Company LLC; Shell Trading (US) Company; Equilon Enterprises L.L.C.; Texaco Refining and Marketing Inc.; The Premcor Refining Group Inc.; Ultramar Energy Inc; Ultramar Ltd.; Valero Energy Corporation; Valero Marketing and Supply Company; Valero Refining and Marketing Company; CITGO Petroleum

Corporation; CITGO Refining and Chemicals Company L.P.; Sunoco, Inc.; Sunoco, Inc. (R&M); Hess Corporation (f/k/a Amerada Hess Corporation); Flint Hills Resources, LP; El Paso Merchant Energy-Petroleum Company; Coastal Eagle Point Oil Company; Gulf Oil Limited Partnership; Vitol, S.A.; and George E. Warren Corporation ("Settling Defendants") that resolves the matters between them, have moved under Rule 41(a)(2) of the Federal Rules of Civil Procedure for the entry of an Order dismissing the Settling Defendants from this action, with prejudice as to the claims defined as Released Claims in the Settlement Agreement and Release and without prejudice as to all other claims, with each party to bear its own costs. Plaintiffs have further advised the Court that the Settling ^{and non-settling} Defendants consent to their motion.

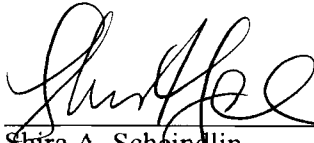
Having considered the papers filed by Plaintiffs and all other matters deemed pertinent by the Court, the Court finds that action should be dismissed against the Settling Defendants in accordance with Plaintiffs' motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the Plaintiffs and Settling Defendants and over the subject matter of this action.
2. This action is hereby dismissed as to the Settling Defendants only, with prejudice as to the Released Claims under the Settlement Agreement and Release, and without prejudice as to all other claims, with each party to this Order bearing its own costs and attorneys' fees.

So Ordered:
~~ENTER:~~

Date: July 24, 2009


Shira A. Scheindlin
United States District Judge